



FILE: B-213833

DATE: May 29, 1984

MATTER OF: Joseph A. Kiehl -- Travel Expenses --  
Liability for Loss of Air Travel Ticket

## DIGEST:

1. Wife of State Department employee was authorized travel for medical evacuation on a cost-constructive basis from Sophia, Bulgaria, to Washington, D.C., and a return trip by the same route. She lost excursion fare return trip ticket after arriving in Washington, D.C. After being advised to do so by State Department travel officials, she procured another ticket with a Government Travel Request (GTR), but without knowledge that it was at a higher rate. We hold that she may not be reimbursed by the State Department for the portion of return trip ticket for which she was not reimbursed by the foreign-flag carrier since a traveler is required to safeguard tickets and is liable for any costs or expenses that can reasonably be said to flow from the loss of a ticket.
2. Even if wife of State Department employee was advised incorrectly by State Department travel officials, she is still responsible for the correct performance of official travel and for the payment of any charges through failure to comply with the governing regulations. This result is required by the regulation to that effect and by the general rule that the Government is not liable for the errors of its employees.

On behalf of the Department of State, Mr. Robert C. Myers, Chief, Transportation Division, has requested an advance decision on whether an employee may be reimbursed by the State Department for the return trip portion of an airline ticket which was issued to the employee's wife

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after she lost the original return trip ticket. For the following reasons, we hold that the employee may not be so reimbursed.

Mr. Joseph A. Kiehl is a Political/Economic Officer with the Embassy of the United States in Sophia, Bulgaria. His wife, Mrs. Doris Kiehl, was authorized travel for medical evacuation purposes by a travel order dated March 15, 1983. In lieu of travel on an American-flag carrier to Frankfurt, Germany, the authorized point of medical evacuation, Mrs. Kiehl was permitted to travel on a cost-constructive basis with her ticket issued by Balkan Air. She traveled on Balkan Air from Sophia to Zurich and on Pan American from there to Washington, D.C. She was to make the return trip on the same airlines. It was noted on the travel order that "[c]onsidering Balkan Air travel exception, air fare at U.S.G. expense may not exceed cost-constructive (least cost) air fare round trip Sophia/Frankfurt/Sophia by a western airline."

After her arrival in Washington, D.C., Mrs. Kiehl lost the used portion of her ticket for travel from Sophia to Washington, D.C., and her return trip ticket. She then contacted the State Department's Transportation Division. Employees of that office advised her that she should obtain a Government Travel Request (GTR) from the Travel Office and that a ticket would be issued using the fiscal data on her travel authorization. A new ticket was ultimately issued by Trans World Airlines at a cost of \$751 for the return flight. Apparently, neither Mrs. Kiehl nor the State Department employees realized that the lost ticket was originally purchased by the American Embassy in Sophia at an excursion rate which was less than \$751.

The cost of the return trip ticket (\$751) was later deducted from the per diem due Mrs. Kiehl. Subsequently, the Administrative Officer in Sophia was able to obtain a partial refund from Balkan Air of 519 Bulgarian Leva which was equivalent to \$535.05. In his submission, Mr. Kiehl claims the difference between the two foregoing amounts (\$215.95). The Transportation Division and Mr. Kiehl disagree over the appropriateness and the legal effect of the advice given to Mrs. Kiehl by the Transportation Division employees.

The governing regulations here are the Foreign Service Travel Regulations published in the Foreign

Affairs Manual (FAM), which cover travel and relocation expenses for all Foreign Service Officers and employees, and Foreign Service Reserve Officers of State, AID and USIA.

Paragraph 461 of 4 FAM, <sup>X</sup> in relevant part, provides:

"Travelers' Accountability

"Travelers are responsible for the use and/or disposition of tickets, transportation requests, and airline-denied boarding compensation payments."

114 <sup>X</sup> Similarly and in a more specific manner, paragraphs 114 and 115, <sup>X</sup> in relevant part, of 6 FAM, provide:

"114 Payment of Official Travel Expenses

"In accordance with the provisions of law and these regulations, Foreign Service employees and the members of their family are entitled only to actual and necessary expenses incurred in the performance of official travel. Travelers are expected to make a conscientious effort to minimize costs of official travel and to assume costs of a personal nature and any additional expenses incurred for personal convenience.

"115 Responsibility of Traveler

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"The traveler is responsible for the correct performance of official travel and for the payment of any charges incurred through failure to comply with the governing regulations, regardless of who may have assisted the traveler in making travel arrangements and for the value of tickets in traveler's possession purchased with Government funds or through the exchange of transportation requests."

See also 41 C.F.R. § 101-41.207-4 (accountability for GTRs) and § 101-41.212 (accountability for lost or stolen tickets or coupons).

Under the regulatory provisions quoted above, Mrs. Kiehl had responsibility for the disposition of her return trip ticket, and her loss of it makes her at fault in this matter. We note that in John W. Zerolis, B-187879, July 11, 1977, we concluded that travelers are not only liable for the unauthorized use of a lost ticket, but are also liable for the cost of the ticket when due to their negligence or fault, it is not possible to ascertain whether an unauthorized use of the ticket has been made. In the same manner, a traveler is liable for costs that can reasonably be said to flow from the loss of a ticket.

As to the appropriateness of the advice given Mrs. Kiehl by State Department Transportation Division employees, we note that they should always strive to ascertain all the relevant information and give advice accordingly. However, even if we assume, arguendo, that this was not done here, there is still no way that Mrs. Kiehl can be relieved of her responsibility under 6 FAM 115 for the correct performance of official travel and for the payment of any charges through failure to comply with the governing regulations. In support of the foregoing regulation, we note that it is a well-established principle of law that in the absence of specific statutory authority, the United States is not responsible for the erroneous acts of its officers, agents or employees, even though committed in the performance of their official duties. Schweiker v. Hansen, 450 U.S. 785 (1981); Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380 (1947); German Bank v. United States, 148 U.S. 573 (1893); 54 Comp. Gen. 747 (1975); 53 Comp. Gen. 834 (1974).

Accordingly, since Mrs. Kiehl was at fault here in losing her ticket, the voucher presented to the certifying officer may not be certified for payment.

*for* Milton J. Arstan  
Comptroller General  
of the United States